

0010/PTO Rev. 6/95	U.S. Department of Commerce Patent and Trademark Office	DECLARATION FOR	Attorney Docket Number	5036
		UTILITY OR DESIGN	First Named Inventor	Stewart Kevin Hester
		PATENT APPLICATION	<i>COMPLETE IF KNOWN</i>	
		Application Number	Not Yet Known	
		Filing Date	August 23, 2000	
		Group Art Unit	Not Yet Known	
		Examiner Name	Not Yet Known	
<input checked="" type="checkbox"/> Declaration Submitted with Initial Filing OR <input type="checkbox"/> Declaration Submitted after Initial Filing				

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

FAULT DETECTION AND ISOLATION IN AN OPTICAL NETWORK

the specification of which

(Title of the Invention)

☒ is attached hereto

OR

☐ was filed on (MM/DD/YYYY) [] as United States Application Number or PCT International Application Number [] and was amended on (MM/DD/YYYY) [] (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations. § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 (a)-(d) or § 385(b) of any foreign application(s) for patent or inventor's certificate, or § 365 (a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority		Certified Copy Attached?	
			Not Claimed		YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority sheet attached hereto:

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental sheet attached hereto.
60/152,138	08/24/1999	

DECLARATION

Page 2

I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority sheet attached hereto.

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Name	Registration Number	Name	Registration Number
Greg T. Sueoka	33,800	Edward A. Van Gieson	44,386

☐ Additional attorney(s) and/or agent(s) named on a supplemental sheet attached hereto.

Please direct all correspondence to:

Edward A. Van Gieson
Fenwick & West LLP
Two Palo Alto Square
Palo Alto, CA 94306
U.S.A.

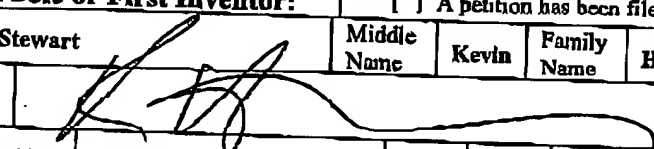
Telephone (650) 858-7997

Fax (650) 494-1417

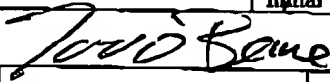
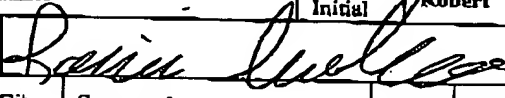
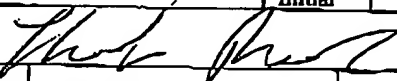
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:

☐ A petition has been filed for this unsigned inventor

Given Name	Stewart	Middle Name	Kevin	Family Name	HESTER	Suffix c.g. Jr.	
Inventor's Signature						Date	8/23/2000
Residence: City	Belmont	State	CA	Country	USA	Citizenship	USA
Mailing Address	3619 Hillcrest Drive						
Mailing Address							
City	Belmont	State	CA	Zip	94002	Country	USA

☒ Additional inventors are being named on supplemental sheet(s) attached hereto

DECLARATION					ADDITIONAL INVENTOR(S) Supplemental Sheet				
Name of Additional Joint Inventor, if any:					<input type="checkbox"/> A petition has been filed for this unsigned inventor				
Given Name	Todd		Middle Initial		Family Name	Belne		Suffix e.g. Jr.	
Inventor's Signature					Date	Aug 23, 2000			
Residence: City	Los Gatos		State	CA	Country	USA		Citizenship	USA
Mailing Address	5126 Selinda Way								
Mailing Address									
City	Los Gatos		State	CA	Zip	95032		Country	USA
Name of Additional Joint Inventor, if any:									
<input type="checkbox"/> A petition has been filed for this unsigned inventor									
Given Name	Rainer		Middle Initial	Robert	Family Name	Iraschko		Suffix e.g. Jr.	
Inventor's Signature					Date	Aug 23, 2000			
Residence: City	Sunnyvale		State	CA	Country	USA		Citizenship	Canadian
Mailing Address	705 San Conrado Terrace, Apt. 3								
Mailing Address									
City	Sunnyvale		State	CA	Zip	94086		Country	USA
Name of Additional Joint Inventor, if any:									
<input type="checkbox"/> A petition has been filed for this unsigned inventor									
Given Name	Kent Wilfred		Middle Initial	George	Family Name	Rylorchuk		Suffix e.g. Jr.	
Inventor's Signature					Date	Aug 23, 2000			
Residence: City	Sunnyvale		State	CA	Country	USA		Citizenship	Canadian
Mailing Address	120 E. Remington Drive, #415								
Mailing Address									
City	Sunnyvale		State	CA	Zip	94087		Country	USA
Name of Additional Joint Inventor, if any:									
<input type="checkbox"/> A petition has been filed for this unsigned inventor									
Given Name			Middle Initial		Family Name			Suffix e.g. Jr.	
Inventor's Signature					Date				
Residence: City			State		Country			Citizenship	
Mailing Address									
Mailing Address									
City			State		Zip			Country	
<input type="checkbox"/> Additional inventors are being named on supplemental sheet(s) attached hereto									

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN

Docket Number (Optional):
5036

Applicant or Patentee: Stewart Kevin Hester, Todd Beine, Rainer Robert Iraschko, Kent Wilfred George Ryhorchuk

Application or Patent No.: _____

Filing Date or Issue Date: _____

Title: **FAULT DETECTION AND ISOLATION IN AN OPTICAL NETWORK**

I hereby declare that I am

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN ONI Systems Corp.

ADDRESS OF SMALL BUSINESS CONCERN 166 Baypointe Parkway

San Jose, CA 95134-1621

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

☒ the specification filed herewith with title as listed above.

☐ the application identified above.

☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each such person, concern or organization having any rights in the invention is listed below:

☒ No such person, concern, or organization exists.

☐ Each such person, concern or organization is listed below:

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Mike Dillon

TITLE OF PERSON IF OTHER THAN OWNER VP & General Counsel

ADDRESS OF PERSON SIGNING 166 Baypointe Parkway, San Jose, CA 95134-1621

SIGNATURE _____

DATE August 22, 2000